

U.S. Serial No. 10/710,306
Examiner: Steven J. Ganey
Art Unit No.: 3752
Page 10 of 12

Atty. Docket No.: JD-327A-US

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REMARKS

The Specification is objected to, as well as Claims 1-3, 5, 6, 10-13, 15, 16 and 20-23. Claims 4, 8, 9, 18, 19, 24 and 25 are rejected under 35 U.S.C. § 112, and there is a Double Patenting rejection of Claims 1-20. Claims 1-6, 8-12, 14, 15, 18-23, 25 and 26 are rejected under 35 U.S.C. § 102(b). In view of the amendments to the Specification, the claims and the remarks to follow, these objections and rejections are believed to be overcome.

Specification

These objections are overcome by the amendments to the specification.

35 U.S.C. § 112

These rejections are overcome by the amendments to the rejected claims.

Double Patenting

An express abandonment of Application No. 10/707,533 was faxed to the Patent Office on June 21, 2000. Accordingly, this rejection is overcome.

35 U.S.C. § 102(b)

Claims 1 and 11 and accordingly, claims 1-6, 8-12, 14, 15, 18-23, 25 and 26 are amended to recite an apparatus for supporting a hand held liquid dispensing device or a combined hand held liquid dispensing device in combination with the dispensing device which includes at least one first support member for receiving a nozzle portion of the dispensing device, and at least one second support member for holding a container. The at least first support member is constructed and arranged to facilitate the filing of the container when the nozzle portion is placed in the at least first support member and a container is placed on the at least second support member in one instance. The at least second support member is displaceable in another instance to provide a

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hose connection to the nozzle portion for filling of a bucket. None of the cited prior art references teach or suggest these features.

Toetschinger, et al., '673 of record does not disclose a second support member which is displaceable to provide a hose connection to nozzle portion 227.

Decker, et al., '398 of record suffers from the same deficiencies as Toetschinger, et al. Bottom wall 13 is not displaceable.

Neither does U.S. 2002/0148907 disclose a displaceable second support. Base wall 22 is not displaceable.

Tseng '936 of record discloses a rack assembly with no container or bucket filling capacity.

Gantois '967 of record discloses a bicycle repair stand with no defined container and bucket filling capacity.

Reconsideration of these rejections is requested

Telephone Interview

On August 24, 2006 Examiner Ganey called applicants' attorney in conjunction with the amended claims that were faxed to the Patent Office on July 19, 2006. These claims are the same as those amended herein. Examiner Ganey indicated that these claims probably do disclose patentable subject matter but that further searching may be necessary.

Allowable Subject Matter

The indication of allowable subject matter in Claims 22 and 24 is acknowledged with thanks. These claims are rewritten as Claims 28 and 29, respectively.

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Written Opinion of the ISA

A copy of the Written Opinion of the International Search Authority is attached for the Examiner's review.

In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

Dated: 31 August 2006

By: 

Neil E. Hamilton

Registration No. 19,869

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PATENT COOPERATION TREATY

PCT/US2004/042658

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)
(PCT Rule 44bis.1(c))

To:

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JUL 10 2006

HAMILTON, Neil, E. ✓
M/S 509
8310 16th Street
Sturtevant, Wisconsin 53177
ETATS-UNIS D'AMERIQUE

BY:

Date of mailing (day/month/year)
29 June 2006 (29.06.2006)

Applicant's or agent's file reference
JD-327-WO ✓

IMPORTANT NOTICE

International application No.
PCT/US2004/042658 ✓

International filing date (day/month/year)
17 December 2004 (17.12.2004) ✓

Priority date (day/month/year)
19 December 2003 (19.12.2003)

Applicant

JOHNSON DIVERSEY, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

Copy of
IPRP to
Assoc.
Response Due: 29 July 2006
+ Zink mvr

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Dorothee Mülhausen



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference JD-327-WO | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/US2004/042658 | International filing date (<i>day/month/year</i>) 17 December 2004 (17.12.2004) | Priority date (<i>day/month/year</i>) 19 December 2003 (19.12.2003) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant JOHNSON DIVERSEY, INC. | | | |

- This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
- This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
- This report contains indications relating to the following items:

| | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
- The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35 Form PCT/IB/373 (January 2004) | Date of issuance of this report 20 June 2006 (20.06.2006) |
| | Authorized officer Dorothee Mülhausen Telephone No. +41 22 338 87 40 |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 21 MAR 2005

To:

PCT

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/042658

International filing date (day/month/year)
17.12.2004

Priority date (day/month/year)
19.12.2003

International Patent Classification (IPC) or both national classification and IPC
B67D5/56

Applicant
JOHNSON DIVERSEY, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(a)(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/US2004/042658

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/US2004/042658

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-27 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-27 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-27 |
| | No: Claims | |

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/042658**Re Item V.**

- 1 Reference is made to the following documents:

D1 : WO 97/26210 A (S.C. JOHNSON & SON, INC) 24 July 1997 (1997-07-24)

D2: US 2002/092925 A1 (HUBMANN CURTIS H ET AL) 18 July 2002 (2002-07-18)

- 2 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

An apparatus for supporting a liquid dispensing device comprising:

-a first support member (202) for receiving a nozzle portion of the dispensing device; and

-a second support member for holding a container.

From this, the subject-matter of independent claim 1 differs in that:

the dispensing device is hand-held and the first and second support members are spaced from each other in axial alignment and connected to a frame member for connection to a supporting structure.

- 2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as:

storing and supporting a hand held liquid dispenser and facilitate the filling of containers.

- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

hand held devices are very common in the field, see for exemple D2, but no document in the field discloses or renders obvious the use of two support members spaced apart in axial alignment and connected to a frame member.

- 2.3 Claims 2-10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/042658

- 3 The subject-matter of independent claim 11 differs from D1 in the same way as claim 1, therefore claim 11 is new and inventive for the exact same reasons.
- 3.1 Claims 12-20 are dependent on claim 11 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 4 The subject-matter of independent claim 11 differs from D1 in the same way as claim 1, therefore claim 21 is new and inventive for the exact same reasons.
- 4.1 Claims 22-27 are dependent on claim 21 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

S. van der Bijl